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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,103	04/18/2001	Jun Ishii	39303.20244.00	9005

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EXAMINER

TRAN, THANG V

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/837,103

Applicant(s)

ISHII ET AL.

Examiner

Thang V. Tran

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 38-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-27 is/are allowed.
- 6) ☒ Claim(s) 28,29,38,40 and 41 is/are rejected.
- 7) ☒ Claim(s) 39,42 and 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The amendment dated 11/03/05 has been considered with the following results:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 28, 29, 38, 40 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki et al (4,816,928).

Regarding claim 28, see Figs. 10-13 of Sakaki et al which show an information storage medium having a plurality of recording channels (tracks) partially used for recording pieces of data information (audio) as recited in this claim. Limitations “pieces of data information ... by a data signal”, lines 2-9, are directed to signal structures/arrangements be recorded on a plurality of recording channels (note: as based on the claimed languages, the above signal structures/arrangements have not been formed or recorded on the recording channels yet). Thus, the above limitations have nothing related to the structure of an information storage medium as recited in claim 28. Accordingly, no patentable weight is give to the above limitations since the above limitations have nothing related to the structure of an information storage medium as recited. Nevertheless, see Figs. 10-13 of Sakaki et al which show an information storage medium having a plurality of recording channels (tracks) partially used for recording pieces of data information (audio) represented by digital data codes asynchronously produced at irregular intervals (see Fig. 11-13) and pieces of information (dummy data) which is meaningless with

respect to definitions of the pieces of data information (audio) and partially for other pieces of data information (ID or API) represented by a data signal.

Regarding claim 29, limitations recited in this claim are not directed to the structure of the information storage medium as recited, but are directed to how information are recorded on the medium. Thus, no patentable weight is give to these limitations since these limitations have nothing related to the structure of the information storage medium as recited.

Regarding claims 38 and 41, see Fig. 2 of Sakaki et al which shows a recording system for performing a function of recording digital data codes representative of pieces of music data information (audio) and asynchronously produced at irregular intervals in an information storage medium (see Figs. 10-13), the digital data codes having a format capable of representing more than two values (see Fig. 13), the system comprising a D/A converter (15) for performing a step of converting digital data codes to an analog signal through a modulation technique (see modulator 5) assigning values of said digital data codes to values of a physical quantity periodically varied (see physical varied of data as shown in Figs. 1A, 1B); and (head (6) for performing a step of recording the pieces of music data information (audio) stored in the analog signal into an information storage medium (D).

Regarding claim 40, see modulator (5) in Fig. 2 which is interpreted as a modulator recited in this claim since there is no particular function related to the modulator provided in the claim.

Allowable Subject Matter

3. Claims 1-27 are allowed over the prior art of record.
4. Claims 39, 40 42 and 43 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 39, 40, 42 and 43 are allowable over the prior art of record because the prior art of record, fails to suggest or fairly teach the recording method or apparatus including all limitations as recited in each of claim 39 or 42. Claim 43 is allowable with it parent claim.

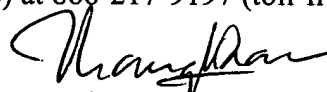
Response to Arguments

6. Applicant's arguments with respect to claimed invention have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thang V. Tran
Primary Examiner
Art Unit 2653